

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

-v-

CITY OF NEW YORK, C.O. MARSHA LYNCH, C.O.
DREW WILLIAMS, C.O. ANTHONY MORALES, JR.,
C.O. SHELDON LYNCH, CAPTAIN KELECIA PHILLIPS,
C.O. KRISTINA FORD, DR. HO, and CAPTAIN KEISHA
LEMON,

Defendants.

CIVIL ACTION NO.: 20 Civ. 6507 (DEH) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

Before the Court is pro se Plaintiff Gabino Genao’s Motion for Appointment of Counsel. (ECF No. 187 (the “Motion”)). For the reasons that follow, the Motion is denied without prejudice to later renewal, if appropriate.

Mr. Genao commenced this action in August 2020, alleging that Defendants—the City of New York and individual Department of Correction staff members—violated his federal constitutional rights by (1) “deliberately plac[ing] [him] in a dangerous situation”; (2) “wrongly plac[ing] [him] . . . in [Punitive Segregation], [Enhanced Restraint Housing] and [Enhanced Supervision Housing] for a total of 200 days”; and (3) providing him inadequate medical attention. (ECF No. 46 at ¶¶ 6, 15, 17).

On August 5, 2024, following the close of discovery in this matter, Defendants informed the Court that they were engaged in discussions to reach a “global resolution” of Plaintiff’s six

pending lawsuits against the City. (See ECF No. 186).¹ The following day, the Court directed Defendants to file by October 4, 2024 an update regarding settlement negotiations. (ECF No. 186 (the “Aug. 6 Order”)). Defendants complied with the Aug. 6 Order and filed on October 4, 2024 a letter indicating that settlement negotiations were ongoing but that “Plaintiff’s counsel in another . . . pending matter[.]” had recently provided “a revised and exponentially increased global settlement demand.” (ECF No. 190) at 1–2).

In the meantime, on October 2, 2024, Plaintiff filed the Motion, citing, inter alia, the “complex” issues before the Court and a “recently diagnosed brain tumor that causes [him] severe fatigue, headaches, problems concentrating, dizziness, memory loss[,] and vertigo.” (ECF No. 187). The Motion did not provide any information as to the status of settlement discussions or disclose that Mr. Genao is represented by counsel in other pending civil actions.

Because it is clear from Defendants’ letter that Mr. Genao is represented by counsel in ongoing global settlement negotiations, which include this case, additional counsel is not warranted at this time. Accordingly, Mr. Genao’s Motion is DENIED WITHOUT PREJUDICE.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Genao and to close ECF No. 187.

Dated: New York, New York
October 7, 2024

SO ORDERED.

¹ See Genao v. City of New York, et al., No. 20 Civ. 6507 (DEH) (SLC) (SDNY); Genao v. City of New York, et al., No. 20 Civ. 8721 (ER) (SDNY); Genao v. City of New York, et al., No. 20 Civ. 8731 (ER) (SDNY); Genao v. Captain Rivera, et al., No. 20 Civ. 10563 (GBD) (VF) (SDNY); Genao v. City of New York, et al., No. 20 Civ. 10573 (JGLC) (OTW) (SDNY); Genao v. Ruiz, et al., No.24 Civ. 2077 (LJL) (SDNY).



SARAH L. CAVE
United States Magistrate Judge